

Interview Summary	Application No.	Applicant(s)	
	10/777,212	SCHEURING ET AL.	
	Examiner	Art Unit	
	Benjamin W. Lee	3714	

All participants (applicant, applicant's representative, PTO personnel):

- (1) Benjamin W. Lee (Examiner). (3) Richard Wydeven (attorney).
 (2) Kathleen Mosser (Primary Examiner). (4) John Curry (attorney).

Date of Interview: 17 January 2008.

Type: a) ☐ Telephonic b) ☐ Video Conference
 c) ☒ Personal [copy given to: 1) ☐ applicant 2) ☒ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
 If Yes, brief description: _____.

Claim(s) discussed: 1, 17, 22, 23, 39-43.

Identification of prior art discussed: Sheehan.

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.


 Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The rejection of claims 22, 23, 39-41 under 35 U.S.C. 101 were discussed. The Applicant's representative explained that the calculated value determined by the claim has a specific and useful application. The Applicant's representative also proposed claim amendments to overcome the rejections. The examiners indicated that the addition of the "saving" limitation to claims 22 and 23 would likely overcome the previous rejection, but would require further consideration. The examiners indicated that the "using" limitations in claims 39-41 would overcome the previous 101 rejections, but would introduce 112 1st and 2nd paragraph issues for having "use" claims. The differences between Sheehan and the applicant's invention were discussed. The examiner suggested that the previous rejections of the claims under 35 U.S.C. 102, and possibly 35 U.S.C. 103 would likely be overcome by adding explicit definitions of terms to the claim language for terms such as "learning targets," "learning map," "precursor," and "postcursor." The examiner indicated that further search and consideration would be necessary.